

EXHIBIT 86

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOROTHY FORTH, TROY)
TERMINE, CYNTHIA RUSSO,)
INTERNATIONAL BROTEHRHOOD)
OF ELECTRICAL WORKERS)
LOCAL 38 HEALTH AND) No. 1:17-CV-02246
WELFARE FUND LISA BULLARD)
and RICARDO GONZALES, on)
behalf of themselves and)
all others similarly)
situated,)
Plaintiffs,)
vs)
WALGREEN CO,)
Defendants.)

The videotaped deposition of
JAY BERNSTEIN
taken before JO ANN LOSOYA, Certified Shorthand
Reporter within and for the County of Cook and State
of Illinois at Renaissance Schaumburg, 1551 North
Thoreau Drive, Schaumburg, Chicago, Illinois, on
September 14, 2019 at the hour of 9:00 o'clock a.m.

1 APPEARANCES:

2 ROBBINS GELLER RUDMAN & DOWD LLP

3 MR. JASON ALPERSTEIN

4 120 East Palmetto Park Road

Suite 500

Boca Raton, Florida 33432

5 (561) 750-3000

jalperstein@rgrdlaw.com

6 Appeared on behalf of the Plaintiffs;

7 REED SMITH LLP

8 MS. SELINA P. COLEMAN

1301 K Street NW

9 Suite 1000 East Tower

Washington, DC 20005

10 (202) 414-9220

scoleman@reedsmith.com

11 Appeared on behalf of the Defendants.

12 ALSO PRESENT:

13 Mr. Dan Fitzgerald

Walgreen General Counsel

14 REPORTED BY: JO ANN LOSOYA

15 CSR LICENSE: 084-002437

16 VIDEOGRAPHER: JULIANA PAYNE

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED] [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED]

10 [REDACTED] [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED] [REDACTED] [REDACTED]

23 [REDACTED]

24 [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED]

11 [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] [REDACTED]

1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

MS. COLEMAN: Objection to form.

6

BY THE WITNESS:

7

A. That would be my assumption.

8

Q. Walgreens Health Initiative, is that

9

considered a third party?

10

A. I don't know if I could answer that

11

distinctly in this instance.

12

Q. How about just your understanding, would

13

Walgreens Health Initiative, it's a subsidiary of

14

Walgreens, right?

15

A. Yes.

16

Q. Would that be a third party?

17

A. No, I don't believe so as it's discussed

18

in this.

19

Q. Was there a point in time that I guess a

20

different PBM began adjudicating the claims under

21

the PSC?

22

MS. COLEMAN: Objection to form.

23

BY THE WITNESS:

24

A. Not that I'm aware of.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

[REDACTED]

MR. ALPERSTEIN: I have no further questions.

MS. COLEMAN: We will reserve our questions for trial. We would like an opportunity to review and sign the transcript.

THE VIDEOGRAPHER: The time is now 2:22 p.m. We are off the record and this concludes today's testimony given by Jay Bernstein. The total number media units used was 3 and will be retained by Veritext Legal Solutions.

(Witness excused at 2:22 p.m.)

REPORTER CERTIFICATE

I, JO ANN LOSOYA, a Certified Shorthand Reporter within and for the County of Cook and State of Illinois, do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

1 IN WITNESS WHEREOF, I do hereunto set my
2 hand this September 24, 2019.

3
4
5
6
7 

8
9 JO ANN LOSOYA, CSR
10 C.S.R. No. 84-002437
11
12
13
14
15
16
17
18
19
20
21
22
23
24